

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEWART ABRAMSON,

Plaintiff,

Case No. 22-cv-10156

v.

U.S. District Court Judge
Gershwin A. Drain

ZAIN KHURSHID and BABY SHARK
NETWORKS, LLC,

Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO DISMISS AND STRIKE
CLASS ALLEGATIONS (ECF No. 7) AS MOOT, GRANTING
PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT, AND
DIRECTING CLERK OF COURT TO ENTER DEFAULT AGAINST BABY
SHARK NETWORKS, LLC**

Plaintiff Stewart Abramson initiated this action against Defendants Zain Khurshid and Baby Shark Networks, LLC ("Baby Shark") on January 25, 2022. ECF No. 1. Defendants moved to dismiss the Complaint and strike the class allegations. ECF No. 7. However, prior to the hearing on the motion to dismiss, defense counsel moved to withdraw, ECF No. 15, and the Court granted defense counsel's motion, ECF No. 18.

The parties appeared before the Court on October 24, 2022 for a status conference,¹ during which Mr. Khurshid informed the Court that he has filed for bankruptcy and cannot afford to defend against the case. He also explained that he would like to withdraw the pending motion to dismiss. The Court directed Mr. Khurshid to file a notice of bankruptcy so that the case against him can be stayed pending resolution of his bankruptcy proceedings.

Mr. Khurshid also explained that no attorney will represent Defendant Baby Shark in bankruptcy proceedings or in this case because the entity has no assets. As such, the parties agreed that Plaintiff would move for default judgment against Baby Shark because the company has no lawyer and cannot proceed without one. *Olagues v. Timken*, 908 F.3d 200, 203 (6th Cir. 2018) (“[U]nder longstanding tradition, a corporation can only appear by an attorney.” (quotation marks omitted)). The parties further agreed Plaintiff would then seek leave of Court to engage in discovery to determine the proper amount for a default judgment. Plaintiff filed a Motion for Clerk’s Entry of Default Against Baby Shark Networks, LLC that same day. ECF No. 21.

¹ Mr. Khurshid appeared with an attorney who assisted him for the purposes of the status conference but was unwilling to file a formal appearance in the matter due to Mr. Khurshid’s inability to pay for his services.

Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss and Strike Class Allegations (ECF No. 7) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendant Khurshid is **DIRECTED** to file his notice of bankruptcy of withing **thirty (30) days** of date of this order.

IT IS FURTHER ORDERED that Plaintiff's Motion for Clerk's Entry of Default Against Baby Shark Networks, LLC is **GRANTED**. The Clerk of Court is **DIRECTED** to **ENTER DEFAULT** against Defendant Baby Shark Networks, LLC.

IT IS SO ORDERED.

/s/ Gershwin Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: November 15, 2022

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 15, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager